

C A M P A I G N   F O R

# ACCOUNTABILITY

May 23, 2018

By email: [publicrecordsrequest@flhealth.gov](mailto:publicrecordsrequest@flhealth.gov)

Public Records Coordinator  
Florida Department of Health  
4052 Bald Cypress Way-Bin A02  
Tallahassee, Florida 32399-1702

**Re: Public Records Request**

To Whom It May Concern:

Campaign for Accountability (“CfA”) makes this request for public records from the Department of Health (the “Department”), regardless of format, medium, or physical characteristics, and including electronic records and information, audiotapes, videotapes, and photographs, pursuant to Fla. Stat. § 119.01 *et seq.*

Specifically, CfA seeks copies of all materials related to or representing a contractual agreement or other financial arrangement between the Department and any third party, including, but not limited to Florida Pregnancy Care Network, Inc. (“FPCN”), concerning the Florida Pregnancy Support Services Program (the “Program”). This request is for records from July 1, 2015, to the present.

CfA has previously made similar requests to the Department. On February 22, 2018, CfA submitted a request for “copies of all solicitations, grant proposals, grant agreements, reimbursement requests, and/or purchase orders pertaining to the Florida Pregnancy Support Services Program.”<sup>1</sup> On May 2, 2018, the Department responded that there were no records responsive to CfA’s request.<sup>2</sup> The Department’s response provided no narrative or explanation for the lack of responsive material. CfA responded by calling the Department and asking for an explanation for the given response and submitted a written request for an explanation.<sup>3</sup> Rather than respond to CfA’s inquiry, the Department treated the request for clarification as a new public records request.<sup>4</sup>

On May 16, 2018, CfA clarified the request stating, “Campaign for Accountability seeks copies of all financial and/or contractual records regarding the Florida Pregnancy Support Services

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<sup>1</sup> Public Records Request from Daniel Stevens, Executive Director of Campaign for Accountability, to Public Records Coordinator for the Florida Department of Health, February 22, 2018, attached as Exhibit A.

<sup>2</sup> Email from Kendra Washington, Public Records Manager for the Florida Department of Health, to Daniel Stevens, May 2, 2018, attached as Exhibit B.

<sup>3</sup> Email from Daniel Stevens to Anna Simmons, Human Services Program Consultant, III, for the Division of Community Health Promotion, May 14, 2018, attached as Exhibit C.

<sup>4</sup> Email from Florida Department of Health to Daniel Stevens, May 14, 2018, attached as Exhibit D.

Program from July 1, 2013 to the present.”<sup>5</sup> The Department responded by asking CfA to submit a payment for \$4,794 to process the request, without clarification or explanation as to what records the Department anticipates finding that would justify this expense, or as to why the Department estimates that 200 hours of time will be needed to compile the response.<sup>6</sup> On May 23, 2018, CfA withdrew the request citing the exorbitant cost.<sup>7</sup>

The Florida Legislature has funded the Program through the Department since at least 2011.<sup>8</sup> Nearly \$20 million in state funds has been appropriated to the program in that time.<sup>9</sup> The funding is directed to FPCN, which then subcontracts with direct service providers.<sup>10</sup> By way of example, FPCN’s IRS Form 990 for the year 2015 indicates that FPCN received more than \$3,600,000 in government grants that year.<sup>11</sup>

Before fiscal year 2017, the Legislature described FPCN’s funding as “crisis counseling.”<sup>12</sup> For fiscal years 2017 and 2018, the Legislature authorized FPCN to use the funding for “wellness services, including but not limited to, high blood pressure screening, flu vaccines, anemia testing, thyroid screening, cholesterol screening, diabetes screening, assistance with smoking cessation, and tetanus vaccines.”<sup>13</sup> During its 2018 session, the Florida Legislature passed a bill to codify the Program and to provide further guidance to the Department in overseeing it.<sup>14</sup> This bill was signed into law on March 19, 2018.

Given the extensive history of the Program, it is highly likely the Department has financial and/or contractual records documenting its relationship with FCPN. It is that relationship that is the subject of this request.

If it is your position that any portion of the requested records is exempt from disclosure pursuant to Fla. Stat. §§ 119.071, 119.0711, 119.0712, and 119.0713, please state the basis of the exemption. Fla. Stat. § 119.07(1)(e). Please explain in writing and with particularity the reasons for any determination that a record is exempt from disclosure. Fla. Stat. § 119.07(1)(f). In the event that a portion of a requested record is properly exempt from disclosure, please redact that portion and produce the remainder of the requested record. Fla. Stat. § 119.07(1)(d). If you deny this request in whole or in part, please specify each exemption on which you are relying to withhold information.

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<sup>5</sup> Email from Daniel Stevens to Anna Simmons, May 16, 2018, attached as Exhibit E.

<sup>6</sup> Public Records Request Invoice, Florida Department of Health, May 18, 2018, attached as Exhibit F.

<sup>7</sup> Email from Daniel Stevens to Kendra Washington, May 23, 2018, attached as Exhibit G.

<sup>8</sup> S.B. 2000 at 83 (Fla. 2011); H.B. 5001 at 89 (Fla. 2012); S.B. 1500 at 94 (Fla. 2013); H.B. 5001 at 95 (Fla. 2014); S.B. 2500 at 85 (Fla. 2015); H.B. 5001 at 96 (Fla. 2016); S.B. 2500 at 99-100 (Fla. 2017).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Florida Pregnancy Care Network Inc., [IRS Form 990, Initial Return 2015, available at http://990s.foundationcenter.org/990\\_pdf\\_archive/203/203707766/203707766\\_201606\\_990.pdf](http://990s.foundationcenter.org/990_pdf_archive/203/203707766/203707766_201606_990.pdf).

<sup>12</sup> S.B. 2000 at 83 (Fla. 2011); H.B. 5001 at 89 (Fla. 2012); S.B. 1500 at 94 (Fla. 2013); H.B. 5001 at 95 (Fla. 2014); S.B. 2500 at 85 (Fla. 2015).

<sup>13</sup> H.B. 5001 at 96 (Fla. 2016); S.B. 2500 at 99-100 (Fla. 2017).

<sup>14</sup> H.B. 41 (Fla. 2018).

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May 23, 2018

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CfA is a non-profit organization and seeks the requested information to inform and educate the public about the state's oversight responsibilities regarding public funding for private organizations. Accordingly, because CfA seeks the information to benefit the general public, we request that the information be provided without charge. If a fee waiver is not available, please inform me if the cost will exceed \$200 and please provide a written explanation for the estimated cost of processing the request.

Please promptly acknowledge this request and respond in good faith. Fla. Stat. § 119.07(1)(c). If you foresee any problems in releasing the requested records in whole or in part, please contact me at 202-780-5750.

Finally, I welcome the opportunity to discuss with you whether and to what extent this request can be narrowed or modified to better enable the Department to process it. If the Department is willing to explain the nature of its records regarding the Program, CfA would be happy to discuss the terms of this request to better enable the Department to respond to it.

If possible, please email the records to me at [dstevens@campaignforaccountability.org](mailto:dstevens@campaignforaccountability.org). If the records are mailed, please send them to: Campaign for Accountability, 611 Pennsylvania Avenue SE, #337, Washington, DC 20003.

Thank you for your attention to this matter.

Sincerely,



Daniel E. Stevens  
Executive Director

# EXHIBIT A

C A M P A I G N   F O R

# ACCOUNTABILITY

February 22, 2018

By email: [publicrecordsrequest@flhealth.gov](mailto:publicrecordsrequest@flhealth.gov)

Public Records Coordinator  
Florida Department of Health  
4052 Bald Cypress Way-Bin A02  
Tallahassee, Florida 32399-1702

**Re: Public Records Request**

To Whom It May Concern:

Campaign for Accountability (“CfA”) makes this request for public records, regardless of format, medium, or physical characteristics, and including electronic records and information, audiotapes, videotapes, and photographs, pursuant to Fla. Stat. § 119.01 *et seq.*

Specifically, CfA seeks copies of all solicitations, grant proposals, grant agreements, reimbursement requests, and/or purchase orders pertaining to the Florida Pregnancy Support Services Program. This request is for records from July 1, 2015 to the present.

By way of background, the Florida legislature has funded the Florida Pregnancy Support Services Program through the Department of Health since at least 2011.<sup>1</sup> Nearly \$20 million in state funds has been appropriated to the program in that time.<sup>2</sup> The funding is directed to a contract management provider, which then subcontracts with direct service providers.<sup>3</sup> Prior to the beginning of fiscal year 2017, the budget bills indicated that the funding is for “crisis counseling.”<sup>4</sup> For fiscal years 2017 and 2018, the contract management provider is also authorized by the legislature to use the funding for “wellness services, including but not limited to, high blood pressure screening, flu vaccines, anemia testing, thyroid screening, cholesterol screening, diabetes screening, assistance with smoking cessation, and tetanus vaccines.”<sup>5</sup> During its 2018 session, the Florida legislature passed a bill to codify the Pregnancy Support Services Program and to provide further guidance to the Department of Health in overseeing it.<sup>6</sup>

If it is your position that any portion of the requested records is exempt from disclosure pursuant to Fla. Stat. §§ 119.071, 119.0711, 119.0712, and 119.0713, please state the basis of the

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<sup>1</sup> S.B. 2000 at 83 (Fla. 2011); H.B. 5001 at 89 (Fla. 2012); S.B. 1500 at 94 (Fla. 2013); H.B. 5001 at 95 (Fla. 2014); S.B. 2500 at 85 (Fla. 2015); H.B. 5001 at 96 (Fla. 2016); S.B. 2500 at 99-100 (Fla. 2017).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> S.B. 2000 at 83 (Fla. 2011); H.B. 5001 at 89 (Fla. 2012); S.B. 1500 at 94 (Fla. 2013); H.B. 5001 at 95 (Fla. 2014); S.B. 2500 at 85 (Fla. 2015).

<sup>5</sup> H.B. 5001 at 96 (Fla. 2016); S.B. 2500 at 99-100 (Fla. 2017).

<sup>6</sup> H.B. 41 (Fla. 2018).

Public Records Coordinator

February 22, 2018

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exemption. Fla. Stat. § 119.07(1)(e). Please explain in writing and with particularity the reasons for any determination that a record is exempt from disclosure. Fla. Stat. § 119.07(1)(f). In the event that a portion of a requested record is properly exempt from disclosure, please redact that portion and produce the remainder of the requested record. Fla. Stat. § 119.07(1)(d). If you deny this request in whole or in part, please specify each exemption on which you are relying to withhold information.

CfA is a non-profit organization and seeks the requested information to inform and educate the public about the state's oversight responsibilities regarding public funding for private organizations. Accordingly, because CfA seeks the information to benefit the general public, we request that the information be provided without charge. If a fee waiver is not available, please inform me if the cost will exceed \$200.

Please promptly acknowledge this request and respond in good faith. Fla. Stat. § 119.07(1)(c). If you foresee any problems in releasing the requested records in whole or in part, please contact me at 202-780-5750.

Finally, I welcome the opportunity to discuss with you whether and to what extent this request can be narrowed or modified to better enable the Department of Health to process it.

If possible, please email the records to me at [dstevens@campaignforaccountability.org](mailto:dstevens@campaignforaccountability.org). If the records are mailed, please send them to: Campaign for Accountability, 611 Pennsylvania Avenue SE, #337, Washington, DC 20003.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan E. Stevens".

Daniel E. Stevens  
Executive Director

# **EXHIBIT B**

## Public Records Request :: P042270-030718

Florida Department of Health <fdh@mycushelp.net>

Wed 5/2/2018 2:46 PM

To: Daniel Stevens <dstevens@campaignforaccountability.org>;

--- Please respond above this line ---

Good Afternoon,

There are no records responsive to this request.

Thank you,

Kendra Washington  
Public Records Manager

Florida Department of Health  
Office of the General Counsel  
4052 Bald Cypress Way, Bin A-02  
Tallahassee, FL 32399  
Telephone: 850-617-1408 New Number  
Fax: 850-245-4790

Email: [Kendra.Washington@flhealth.gov](mailto:Kendra.Washington@flhealth.gov)



# EXHIBIT C

## Records Regarding the Florida Pregnancy Support Services Program

Daniel Stevens

Thu 5/10/2018 4:06 PM

Sent Items

To:anna.simmons@flhealth.gov <anna.simmons@flhealth.gov>;

Good Afternoon Ms. Simmons,

Thank you for taking the time to speak with me today. As I mentioned on the phone, we're trying to figure out how to ask for records relating to the Florida Pregnancy Support Services Program. We're interested in all the financial and/or contractual records regarding this program. I mentioned on the phone that we submitted an open records request, but the Dept said that there were no responsive records. We're trying to better understand what records exist so that we can properly ask for them.

Please let me know if you have any questions.

Dan

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Daniel Stevens  
Executive Director  
Campaign for Accountability  
202.780.5750 (o)  
<http://campaignforaccountability.org/>  
@Accountable\_Org



# EXHIBIT D

## Public Records Request :: P043967-051418

Florida Department of Health <fdh@mycushelp.net>

Mon 5/14/2018 10:38 AM

To: Daniel Stevens <dstevens@campaignforaccountability.org>;

Dear Daniel Stevens:

This email is to confirm receipt of your public records request. If this request requires extensive use of resources, this office will contact you again once an estimate of the costs associated with producing the records you seek is prepared. The tracking number associated with your request is in the subject line of this email. If you have any questions, please let me know. Your request was received in this office on 5/14/2018 and given the reference number P043967-051418 for tracking purposes.

Records Requested: Thank you for taking the time to speak with me today. As I mentioned on the phone, we're trying to figure out how to ask for records relating to the Florida Pregnancy Support Services Program. We're interested in all the financial and/or contractual records regarding this program. I mentioned on the phone that we submitted an open records request, but the Dept said that there were no responsive records. We're trying to better understand what records exist so that we can properly ask for them.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed.

Florida Department of Health

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To track your request and respond, visit the [Public Records Center](#), then click on "View My Public Records Requests."



# **EXHIBIT E**

# Re: Records Regarding the Florida Pregnancy Support Services Program

Daniel Stevens

Wed 5/16/2018 10:31 AM

Sent Items

To:Simmons, Anna <Anna.Simmons@flhealth.gov>;

Ms. Simmons,

Thanks for following up. This is the exact situation I was trying to avoid. On February 22, 2018, we submitted an open records request seeking records related to the Florida Pregnancy Support Services Program. In response to our request, on May 2, 2018 the Department informed us that there were no records responsive to our request.

Given the existence of the Florida Pregnancy Support Services Program, this response made no sense. Following the Department's response, I tried to reach out to you via phone and via email to better understand the Department's response. I tried to inquire about the nature of the Department's records regarding the Florida Pregnancy Support Services Program. Rather than respond to my inquiries via phone or email, you are simply treated my inquiry as a new open records request.

Therefore, let me restate our request:

Campaign for Accountability seeks copies of all financial and/or contractual records regarding the Florida Pregnancy Support Services Program from July 1, 2013 to the present.

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Daniel Stevens  
Executive Director  
Campaign for Accountability  
202.780.5750 (o)  
<http://campaignforaccountability.org/>  
@Accountable\_Org

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**From:** Simmons, Anna <Anna.Simmons@flhealth.gov>  
**Sent:** Monday, May 14, 2018 11:01:56 AM  
**To:** Daniel Stevens  
**Subject:** RE: Records Regarding the Florida Pregnancy Support Services Program

Dear Mr. Stevens,

Thank you for your email. The records request made below (highlighted in yellow) is quite extensive. If you

are able, could you please specify what years and what documents you are interested in?

Thank you,  
Anna

Anna Simmons, MSW  
Human Services Program Consultant, III  
Division of Community Health Promotion  
Bureau of Family Health Services  
Maternal and Child Health  
Florida Department of Health  
4052 Bald Cypress Way, Bin A-13  
Tallahassee, FL 32399-1721  
(850) 558-9682  
Fax (850) 245-4047

The mission of the Florida Department of Health: To protect, promote & improve the health of all people in Florida through integrated state, county and community efforts.

Please Note: Florida has a very broad public records law. Most written communication to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may, therefore, be subject to public disclosure.

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**From:** Daniel Stevens [mailto:[dstevens@campaignforaccountability.org](mailto:dstevens@campaignforaccountability.org)]  
**Sent:** Thursday, May 10, 2018 4:06 PM  
**To:** Simmons, Anna <[Anna.Simmons@flhealth.gov](mailto:Anna.Simmons@flhealth.gov)>  
**Subject:** Records Regarding the Florida Pregnancy Support Services Program

Good Afternoon Ms. Simmons,

Thank you for taking the time to speak with me today. As I mentioned on the phone, we're trying to figure out how to ask for records relating to the Florida Pregnancy Support Services Program. We're interested in all the financial and/or contractual records regarding this program. I mentioned on the phone that we submitted an open records request, but the Dept said that there were no responsive records. We're trying to better understand what records exist so that we can properly ask for them.

Please let me know if you have any questions.

Dan

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Daniel Stevens  
Executive Director  
Campaign for Accountability  
202.780.5750 (o)  
<http://campaignforaccountability.org/>  
@Accountable\_Org

# **EXHIBIT F**

# Public Records Request Invoice

**Mission:**

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

**Rick Scott**

Governor

**Celeste Phillip, MD, MPH**  
Surgeon General and Secretary

May 18, 2018

Re: Public Records Request No. P043967-051418

Dear Daniel Stevens:

This invoice is in response to your public records request. Below are estimated fees associate with your request. If a legal review is necessary, an additional invoice will be sent.

Services	Quantity	Rate	Hours	Item Total
Paper Copies		\$0.15	0.00	\$0.00
Double Sided Copies		\$0.20	0.00	\$0.00
Emails Review & Redaction *		\$12.00	0.00	\$0.00
IT Charge **		\$9.54	0.00	\$0.00
Additional CD		\$1.00	0.00	\$0.00
Additional Flash Drive		\$5.00	0.00	\$0.00
Staff Time	1	\$23.97	200.00	\$4,794.00
Attorney Review		\$0.00	0.00	\$0.00
Public Records Processing Fee		\$12.00	0.00	\$0.00
<i>Invoice Total=</i>				<b>\$4,794.00</b>

**All payments must be received prior to review, processing, and/or release of records.**

**Please make checks payable to:**

Florida Department of Health  
Public Records Office  
Attn: Kendra Washington  
4052 Bald Cypress Way, Bin A-02  
Tallahassee, FL 32399-1703

\* Estimated 100 emails reviewed per hour

\*\* For searching, formatting, and processing emails (1 CD or Flash Drive included if receive via U.S. Mail)

***Estimate is subject to change. If estimate changes, you will be provided a revised invoice.***

# Public Records Request Invoice

# **EXHIBIT G**

## Re: Public Records Request :: P043967-051418

Daniel Stevens

Wed 5/23/2018 4:31 PM

To:Florida Department of Health <fdh@mycusthelp.net>;

Good Afternoon,

Given the cost associated with processing this request, I'd like to respectfully withdraw the request.

Best,

Dan

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Daniel Stevens  
Executive Director  
Campaign for Accountability  
202.780.5750 (o)  
<http://campaignforaccountability.org/>  
@Accountable\_Org

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**From:** Florida Department of Health <fdh@mycusthelp.net>

**Sent:** Friday, May 18, 2018 9:54:35 AM

**To:** Daniel Stevens

**Subject:** Public Records Request :: P043967-051418

Attachments:

[Invoice\\_P043967-051418.pdf](#)

--- Please respond above this line ---

Good Morning,

Please see attached invoice associated with this request.

Thank you,

Kendra Washington  
Public Records Manager

Florida Department of Health  
Office of the General Counsel  
4052 Bald Cypress Way, Bin A-02  
Tallahassee, FL 32399

Telephone: 850-617-1408  
Fax: 850-245-4790

Email: Kendra.Washington@flhealth.gov